

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

MAIL PROCESSING NETWORK RATIONALIZATION  
SERVICE CHANGES, 2012

Docket No. N2012-1

THE NATIONAL POSTAL POLICY COUNCIL  
MOTION FOR ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED AS  
USPS-LR-N2012-1/NP1  
(January 10, 2012)

The National Postal Policy Council ("NPPC") hereby moves, pursuant to rule 21 of the Commission's rules of practice and 39 C.F.R. § 3007.40, for access to Postal Service Library Reference LR-USPS-N2012-1/NP1 Market Research Materials (Non-Public).

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP1 on December 9, 2011, accompanied by an application for non-public treatment. According to the Postal Service's Notice, the Library Reference consists of three files -- one pertaining to witness Elmore-Yalch, calculating the quantitative market research, and two pertaining to witness Whiteman. The Postal Service states that the materials therein are commercially sensitive as to particular respondents and, more generally, were obtained subject to promises of confidentiality.

The undersigned, an attorney representing the National Postal Policy Council in this proceeding, requests access to USPS-LR-N2012-1/NP-1. Access is requested in order to review and better understanding the testimonies of witnesses Elmore-Yalch

and Whiteman and the Postal Service's estimates of volume changes due to the proposed service changes.

In support of access, the undersigned states that the National Postal Policy Council is an intervenor in this proceeding with a particular interest in issues affecting First-Class Mail. Neither the undersigned attorney, his law firm, nor the NPPC is a competitor to the Postal Service and, indeed, the NPPC supports a strong and financially secure Postal Service.

In accordance with 39 C.F.R. § 3007.50(b), the undersigned NPPC attorney has completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007, for Library Reference USPS-LR-N2012-1/NP1. A copy of the Certification is attached hereto. The original Certification will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.21(c) have also been provided with a copy of this Motion and accompanying certification today by email.

For the foregoing reasons, the NPPC respectfully requests grant of access to Library Reference USPS-LR-N2012-1/NP to the undersigned.

Respectfully submitted,

NATIONAL POSTAL POLICY COUNCIL

By: /s/ William B. Baker  
William B. Baker  
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Certificate of Service

I hereby certify that I have this 10<sup>th</sup> day of January, 2012, caused to be served the foregoing document upon the United States Postal Service and the Public Representative in accordance with sections 12 and 20(c) of the rules of practice.

William B. Baker  
William B. Baker

## **Statement of Compliance with Protective Conditions**

The Postal Service has filed non-public materials identified as USPS-LR-N2012-1/NP1 in Postal Regulatory Commission Docket No. N2012-1. The Postal Service requests confidential treatment of the materials (hereinafter "these materials").

The following protective conditions apply to these materials identified as USPS-LR-N2012-1/NP1 by the Postal Service. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as an agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as PRC Docket No. N2012-1. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. "Involved in competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
3. Immediately after access has terminated under 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
  - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
  - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.
4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium. These duties shall

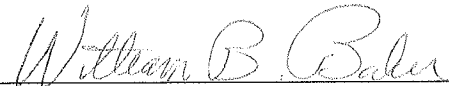
apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.

5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as Postal Regulatory Commission Docket No. N2012-1.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as USPS-LR-N2012-1/NP1 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as PRC Docket No. N2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>William B. Baker</u>
Firm	<u>Wiley Rein LLP</u>
Title	<u>Attorney</u>
Representing	<u>National Postal Policy Council</u>
Signature	<u></u>
Date	<u>January 10, 2012</u>